REMARKS

Claims 1-5, and 7-10 are pending in this application with all pending claim amended and claim 6 cancelled herein. No new matter has been added by this amendment.

Initially the office action objects to claim 25 as requiring the designation "Prior Art." A Replacement Sheet for Fig. 25 is submitted herewith bearing the proper designation. The new Fig. 25 also includes the legend REPLACEMENT SHEET. No new matter is added by these amendments. Withdrawal of the objection is requested.

On the merits, claims 1-10 are rejected under 35 U.S.C. § 102(a) as anticipated by Pan et al. Claim 9 is rejected under 35 U.S.C. § 103(a) as unpatentable over Pan in view of Ashwood-Smith et al. Claims 1-5, and 7-10 have been amended herein to further clarify the nature of the invention and respectfully traverses the rejections for at least the following reasons.

The YESSIR protocol of Pan, in the explicit reservation mode, piggybacks traffic flowspecs in RTCP messages and are reserved as a resource by the router according to the flowspecs, while the YESSIR, in the measurement-based mode are reserved as a resource by the router based on the traffic statistics and timing information provided in the intercept RTCP Sender Report messages (see section 4, par 2, Fig.6). Further as to the reservation retry, Pan teaches one to continue to retry failed messages at every refresh cycle (see section 2.4, page 5).

Independent claim 1 as amended recites, "executing periodical re-allocation of each of path employed by each of the reserved sessions with respect to the bandwidth ensured by the reserved sessions based on the retained session data. Similarly, claims 4 and 5 recite "a reservation path re-allocating module for periodically re-allocating each of the reservation paths for establishing each of reserved sessions set by said reservation setting module based on the bandwidth for establishing the reserved sessions set by said reservation setting module." And independent claim 10 recites, "a re-allocating step of periodically re-allocating each of the reservation paths for establishing the reserved sessions set by the reservation setting step based on the bandwidth for establishing the reserved sessions set by the reservation setting step."

Unlike the claimed feature of claims 1, 4, 5, and 10, the relied upon portions of Pan only retries failed reservation (not yet reserved) at every refresh cycle and does not re-allocate each of the paths employed by each of the reserved session. Therefore claims 1, 4, 5, and 10 patentably distinguish over Pan.

Further, independent claim 1 also recites "retaining session data about bandwidth ensured by reserved sessions and bandwidth occupied by an on-communication session." This feature is also not taught by Pan.

Accordingly, it is submitted that the relied upon portions of Pan fail to teach each and every element of claims 1, 4, 5, and 10 and as these features are also not taught by the relied upon portions of Ashwood-Smith, these claims are allowable. Claims 2, 3, and 7-9 which depend from one of these allowable base claims are allowable therwith.

Conclusion

In view of the remarks and amendments set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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